



**IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA**

BASS ENTERPRISES, LLC, )  
BASS PHILLIP WAYNE, )  
Plaintiffs, )  
 )  
V. ) Case No.: CV-2014-900196.00  
 )  
BURKE CLARENCE E JR, )  
BURKE DORIE E, )  
PENNSTAR, LLC, )  
WOLF CREEK INDUSTRIES, INC. ET AL,)  
Defendants. )

## ORDER

On October 22, 2019, this matter came before the Court for a hearing to conduct a private sale for division of certain real property jointly owned by Pennstar, LLC, and Bass Enterprises, LLC. The parties agreed that they jointly owned the subject property and that it could not be equitably divided and should be sold for division. Each of the parties filed a notice of intent to purchase the subject property along with a request to appoint an appraiser to appraise the subject property in order to ascertain its fair market value. By agreement of the parties, Joe Courtney, was appointed to appraise the subject property in order to establish its fair market value. Mr. Courtney subsequently completed his written appraisal for the subject property on or about October 2, 2019. A copy of Mr. Courtney's appraisal was subsequently provided to the parties and the Court. Mr. Courtney's appraisal reflects that he used information from six comparable real estate sales in the county to support his findings and conclusions. At the October 22, 2019 hearing but prior to conducting the sale of the subject property, the Court advised the parties that the developer listed in one of the six comparable real estate sales included in Mr. Courtney's appraisal report works with the Court's wife in her real estate business. After the parties did not agree to fully waive any potential conflict that may arise with the Court as a result of the information used by Mr. Courtney in his appraisal, the Court recused from hearing the Plaintiff's sale for division claim and at the Plaintiff's request, set aside its August 27, 2019 Order.

**DONE this 24<sup>th</sup> day of October, 2019.**

**/s/ C. JOSEPH NORTON**  
**CIRCUIT JUDGE**